

REMARKS

Upon entry of the present Amendment-G, claims 1-5, 10-11, 15 and 16 are pending in the application, of which claims 1-3, are independent. Claims 1-3 have each been amended by the present amendment. Entry of the present amendment after final under 37 CFR 1.116 is respectfully requested on the grounds that it raises no new issues for consideration by the Examiner, that it places the application in condition for allowance, and/or that it places the claims in better form for appeal.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment-G is submitted.

It is contended that by the present Amendment-G, all bases of objections and rejections set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the objections and rejections is respectfully requested.

Amendments Presented

In the Claims: Independent claims 1-3 have each been amended herein to address / overcome the Examiner's new rejections of the claims under 35 USC 103. The claims have been amended to include the allowable subject matter of claims 12-14, and therefore, all of the pending claims should now be in condition for allowance.

Applicant respectfully submits that the above amendments are fully supported throughout the original disclosure, including the specification, claims and drawings. Applicant also respectfully submits that no new matter is introduced into the application by the above amendments because all of the subject matter thereof was expressly or inherently disclosed in the original application.

Claim Rejections –35 USC §103

1. In item 5 on page 3 of the Office Action, the Examiner rejected claims 1-3, 5, 7, 10, and 12-14 under 35 USC 103(a) as unpatentable over Genco et al. (US Statutory Invention Registration H000315) in view of Beuker et al (US2002-0018589). It is the Examiner's position that: Genco's method of measuring optical properties of a transparency (such as a helmet visor) includes all the claimed features except for compensating the position of the object according to the discrepancy;

Applicant's Response

Upon careful consideration and in light of the above amendments, applicant respectfully submits that the rejection is overcome and that present claims 1-3, patentably distinguish over the applied references, based on the following.

Initially, applicant respectfully submits that the applied references fail to make obvious the claimed invention because the apparatus disclosed by each of Genco and Beuker et al are non-analogous art to the claimed invention, such that persons of ordinary skill in the art would not have looked to either of these references even if such persons were considering hypothetical modifications to a camera unit containing a lens / lens system which captures images having objects therein. Clearly, neither reference discloses or pertains to a camera unit and hence are not in the same field of endeavor as the claimed invention. Further, neither reference reasonably pertains to the problem which is addressed (and overcome) by the claimed invention, i.e., the previous impossibility of fundamentally compensating for intrinsic, non-linear distortion of the camera unit lens system without knowing the actual distance to an object within an image captured by the camera unit.

The portion of Beuker relied upon in the rejection relates to X-rays (figure 4) and thus the "light source" is passed through the object to obtain the image on an X-ray detector. A beam of light

is not directly projected from the object to a lens system as set forth in the claims. Thus, Beuker operates differently from Genco requiring further modifications. MPEP 2143.01 states that If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate." 270 F.2d at 813, 123 USPQ at 352.).

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)

Based on the foregoing, applicant respectfully submits that the rejection based on Genco and Beuker is overcome, and it is respectfully requested that the rejection be reconsidered and withdrawn.

In item 6 on page 8 of the Office Action, the Examiner rejected claim 4 under 35 USC 103(a) as unpatentable over Genco in view of Beuker and further in view of Day et al. It is the Examiner's opinion that Genco and Beuker fail to disclose the camera unit including cameras in sets of at least two so as to take a plurality of images and the storage for the calibration for each camera and that Day et al discloses a system including a camera unit comprising a set of at least two cameras, storage and calibration information. The Office Action states that it would have been obvious to provide at least two cameras, storage and calibration information on Genco in view of Day.

Applicant's Response

Upon careful consideration and in light of the above amendments, applicant respectfully submits that the rejection is overcome and that present claim 4, patentably distinguish over the applied references, based on the following.

The robotic apparatus of Day et al would not be combinable with the method of measuring optical properties of a transparency as disclosed in Genco. MPEP 2143.01 states that If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate." 270 F.2d at 813, 123 USPQ at 352.).

Conclusion

Based on all of the foregoing, applicant respectfully submits that all of the objections and rejections set forth in the Office Action are overcome, and that as presently amended, all of the pending claims are believed to be allowable over all of the references of record, whether considered singly or in combination.


Applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims. Entry of the present amendment after final under 37 CFR 1.116 is respectfully requested on the grounds that it raises no new issues for consideration by the Examiner, that it places the application in condition for allowance, and/or that it places the claims in better form for appeal.

If the Examiner is not fully convinced of the patentability of all of the claims now in the application, applicant respectfully requests that the Examiner contact applicant's undersigned representative to resolve any issues remaining in the prosecution of the application.

Favorable reconsideration is respectfully requested.

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10 July 2009

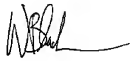
Respectfully submitted,


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